

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**RITA JAMES, INDIVIDUALLY AND
AS REPRESENTATIVE OF THE WRONGFUL
DEATH HEIRS AND ESTATE OF WILLIAM
R. JAMES,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 3:05CV72-P-A

UNITED STATES OF AMERICA, ET AL.,

DEFENDANTS.

ORDER

This matter comes before the court upon The United States of America's Motion to Dismiss [6-1]. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

It is undisputed that the instant action, filed on June 15, 2005, was filed before the Department of Veterans Affairs either informed the plaintiff of the administrative disposition of her claim or before the expiration of six months after the plaintiff initially filed her claim with the VA. The plaintiff did not comply with 28 U.S.C. §§ 2401 and 2675 with the filing of the instant complaint; therefore, this court has no subject matter jurisdiction. *Reynolds v. United States*, 748 F.2d 291, 292 (5th Cir. 1984).

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The United States of America's Motion to Dismiss [6-1] is **GRANTED**; therefore,
- (2) Since this court has no subject matter jurisdiction over this case, it is hereby **DISMISSED**

WITHOUT PREJUDICE; and

(3) This case is **CLOSED**.

SO ORDERED this the 12th day of July, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE